

EXHIBIT 4

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

SARA HAWES, individually, and on behalf of
all others similarly situated,

Plaintiff,

v.

MACY'S WEST STORES, INC.,

Defendant.

Case No. 1:17-cv-00754

Judge Timothy S. Black

DECLARATION OF AMIT OMPRAKASH AGARWAL

I, Amit Omprakash Agarwal, declare and state as follows:

1. I am over the age of 18 and under no disability. I have personal knowledge of the matters set forth herein, unless otherwise specifically indicated.

2. I am employed by Creative Textile Mills Private Ltd., an Indian corporation ("Creative"). I have been employed with Creative since 2015. My current job title is General Manager, Business Development, Sales and Merchandising.

3. Creative is a textile mill that manufactures products for our customers, including bed sheets. Creative has been manufacturing bed sheets since 1996. We buy yarn to weave sheets. We then handle every aspect of the sheet manufacturing process: using yarn to weave the fabric, then cutting, sewing, and finishing the sheets.

4. I have 25 years of experience in the Home Textiles segment.

5. Through my employment with Creative, I am familiar with the process by which Creative manufactures woven CVC sheets that are ordered by and sold to AQ Textiles.



6. The CVC sheets sold to AQ Textiles are manufactured using a process in which a polyester weft yarns are woven with cotton warp yarns. The polyester yarns (usually between 15 denier and 25 denier) are inserted with a number (usually 8 to 12) of yarns being inserted in parallel at once. The insertions are made by an air jet that pushes the yarns together through the warp yarns.

7. This results in all of the polyester weft yarns that are inserted simultaneously being laid in, parallel, into a single “shed” (the temporary opening between warp yarns through which the weft yarns are woven).

8. The individual polyester yarns inserted into each shed are not twisted or woven together in any way, either before or during the weaving process.

9. Today, Creative manufactures CVC sheets that are sold to AQ Textiles pursuant to a group of related patents for the manufacture of CVC sheets using multi-pick insertions. The rights to use those patents are licensed from AAVN, Inc., the holder of the patents.

10. Creative purchases the polyester yarn it uses in weaving the sheets sold to AQ from a yarn supplier called Perfect Filaments LTS. That yarn comes to Creative package on cones, often with multiple threads of yarn on the same cone. The yarn usually contains 14 filaments in each thread.

11. Creative Textiles does not manufacture sheets for AQ Textiles using polyester threads with 200 or higher denier. (As stated above, the sheets manufactured for AQ Textiles generally use polyester weft yarns of between 15 and 25 denier.)



12. The sheets that Creative manufactures for are manufactured in accordance with the specifications provided by AQ Textiles. The specifications are contained on AQ Textile's purchase orders. An example of a purchase order received from AQ Textiles is attached as Exhibit A to this Declaration.

13. On the attached purchase order, "60 cotton singles" indicates the size of cotton warp yarn to be used. "15D polyester" means 15-denier polyester yarns. Those will be woven in the weft. "165 x 63 (12 pick)" is the construction. Each square inch of fabric will be composed of 165 cotton warp yarns and 756 polyester yarns in the weft. The polyester yarns will be inserted in 63 different insertions. Each insertion will contain 12 polyester weft yarns. The total thread count would then be 921. In other words, the sheets would be woven using 921 separate threads for each square inch.

14. The specifications for the sheets ordered by AQ have historically varied in a number of ways. For example, the sheets may have different characteristics with respect to factors such as the size and color of the sheets; the amount of cotton versus polyester; the type and size of the cotton and polyester yarns; the origin and quality of the cotton (such as using Egyptian cotton or Supima cotton); the type of weave (sateen vs. percale); the finish of the sheets; and the existence of unique factors such as deep pockets, extra pillowcases, innovative cooling technology, anti-pilling sheets, anti-stain sheets, sheets certified to not irritate allergies or asthma, or anti-bacterial sheets.

15. The price of sheets is impacted by the type of material used and the quantities used. Using Egyptian cotton, for example, may cost more than other cotton sheets. Similarly, yarns of lower denier are more expensive than yarns of higher denier.



16. AQ Textiles requires Creative to provide test reports for each individual shipment of sheets confirming various aspects of the construction, including the yarn weight and thread count. Creative obtains those test reports from accredited, international third-party testing labs in India such as SGS or Intertek.

17. Third-party testing labs initially struggled to properly test the thread count of CVC sheets manufactured using multiple simultaneous insertions of polyester weft yarns—such as the ones sold to AQ Textiles—because they were unfamiliar with sheets manufactured in that manner using such fine polyester yarns, and did not take the time to properly separate those yarns.

18. However, once the testing labs became more familiar with these sheets and how they are manufactured, the labs were able to count them correctly. Often the test reports Creative receives from those testing labs will reference both the number of weft insertions, as well as the number of individual polyester threads in each insertion, in order to calculate the full thread count of the sheets.

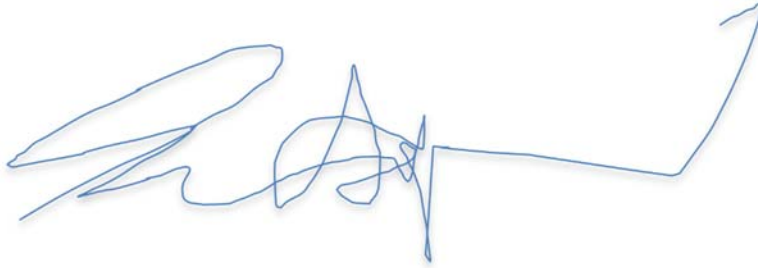
19. In the course of discussing the testing of CVC sheets like these, neither I nor anyone else at Creative has ever requested or instructed that any testing lab count individual fibers or filaments within threads. Nor has any representative of AQ Textiles ever told me that the thread count of sheets should be counted in that manner.

20. AQ Textiles will not accept any shipments of CVC sheets from Creative without a satisfactory third-party test result from an international accredited testing laboratory. On the rare occasions when third-party test results have indicated the sheets were not manufactured in accordance with AQ Textiles' specifications, AQ Textiles has refused to accept the product from Creative.



Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on April 30, 2021.

A handwritten signature in blue ink, appearing to read 'Amit Agarwal', with a long horizontal line extending from the end of the signature.

Amit Omprakash Agarwal

EXHIBIT A

(UNDER PROVISIONAL SEAL)